

the Plaintiff had surgery. Doc. 28 at 1-2; see *generally* Doc. 1 (complaint); see *generally* Doc. 9 (dismissing all claims except for the Plaintiff's Eighth Amendment claim against the Defendant). The Plaintiff argues that he needs appointed counsel because his imprisonment limits his ability to conduct the necessary "significant research and investigation," and appointed counsel "would better enable Plaintiff to present evidence and cross examine witnesses." Doc. 45 at 1-2. The Plaintiff specifically requests the attorneys appointed by the Eleventh Circuit to represent the Plaintiff on appeal. *Id.* at 2. But the Court finds that the Plaintiff's straightforward § 1983 claim is neither factually nor legally complex. See *Wahl*, 773 F.2d at 1174 (finding no exceptional circumstances where essential facts and legal issues were clear); *cf. Smith*, 713 F.3d at 1065 (holding that factors such as (1) the presence of allegations not personally experienced by the plaintiff, (2) discovery issues and suspect conduct of the defendants, and (3) security concerns complicating the plaintiff's ability to interview other inmates, "in the aggregate," presented exceptional circumstances necessitating the appointment of counsel).

Because the Plaintiff has not shown the existence of exceptional circumstances necessary to justify the appointment of counsel, the Plaintiff's motion to appoint counsel (Doc. 45) is **DENIED**.

SO ORDERED, this 22nd day of June, 2017.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT